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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,161

12/18/2001

Coen Theodorus Hubertus Fransiscus Liedenbaum

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06/08/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

GUHARAY, KARABI

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,161

Applicant(s)

LIEDENBAUM, COEN
THEODORUS HUBERTUS FRA

Examiner

Karabi Guharay

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment, filed on February 17, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Amendment, filed on February 17, 2004 has been considered and entered.

Election/Restrictions

Applicant's election of claims 1-5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 6-7 are withdrawn from consideration.

Amendments of specification overcome the objection to the disclosure presented in previous office action.

Amendment of Fig 2, filed on 12/19/03, overcomes the objection to the drawings.

Claim Objections

Claims 1-5 are objected to because of the following informalities: Claim 1 recites "one or more an electroluminescent element" which should be changed to "one or more electroluminescent elements". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 8-9 and 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent

protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation A device, and the claim also recites an electroluminescent display device which is the narrower statement of the limitation "a device".

Further in claims 2-5, & 8-9, the recitation of "A device" should be changed to "the device" being dependent on claim 1.

Claim 10 recites the limitation "allows pressure inside the cavity to escape into the channel" which renders the claim 10 vague and indefinite. How pressure can escape into a channel?

For the purpose of examination, it is understood that that escaping thermosetting adhesive into the channel. Appropriate corrections are required.

Claims 11-20 are rejected being dependent on claim 10.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Norihiro (JP 2000100562).

Regarding claim 10, Norihiro discloses an electroluminescent display device (10 of Fig 1 & Fig 3), comprising two parts (20, 12) which define a cavity (22) for accommodating an electroluminescent element (16), and which are sealed together by means of a thermosetting adhesive (30) present at the interface of the two parts (20, 12, see abstract), characterized in that at least one channel (26) is provided in the interface (peripheral edge section), that allows thermosetting adhesive 30 to escape into the channel during manufacturing of the device (paragraph 0014 of machine translation).

Regarding claim 11, Norihiro discloses a device wherein a reservoir (28) for the adhesive (30) is present at one end of the channels 26 (see Fig 2, and lines 32 of page 3).

Regarding claim 12, Norihiro discloses a device wherein a capillary reservoir (28) is located at the end of the channels (26) that is farthest from the cavity (22), i.e. outside the cavity 22 (see Fig 2).

Regarding claim 13, Norihiro discloses a device wherein one of the parts (20) has a rectangular interface with the channels (26) being located in one (or more) of the corners of the rectangular interface (Fig 1 & Fig 3).

Regarding claim 14, Norihiro discloses a device comprising a substantially flat substrate (12) on which an electroluminescent element (16) is deposited and a

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preformed cover (20) of a sheet material, which is shaped to define part of the cavity (22), the channel(s) (26) and the reservoir 28 (Fig 1 & Fig 3).

Regarding claim 15, Norihiro discloses that the channel (26) is formed on one of the parts, on the substrate (12).

Regarding claims 16-20, Norihiro discloses that the channels (26) allows pressure inside the cavity to force a portion of the thermosetting adhesive into the channel during manufacturing and become sealed by the thermosetting adhesive, thus provides a pressure relief for the thermosetting adhesive (see paragraph 0007, and paragraphs 0015).

Allowable Subject Matter

Claims 1-5 and 8-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, prior art of record neither shows nor suggests a combination of limitations set forth in claim 1, particularly comprising the limitation of channel, which is open to the cavity.

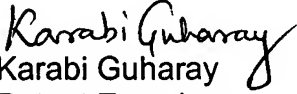
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (571) 272-2452. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karabi Guharay
Patent Examiner
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